

EXECUTIVE OFFICE,

AUSTIN, TEXAS, April 28, 1874.²⁴

To the Hon. the House of Representatives of the State of Texas:

Gentlemen—I respectfully return without my approval, and ask your reconsideration of House bill No. 357, being “An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre, near the Salado, in September, 1842, and of those who were taken prisoners there, and died while such prisoners.”

This bill proposes to grant land to the parties named in the only mode that has ever been used by the State in making land grants, to-wit: by the issuance of certificates, under which vacant public domain may be acquired. Section six of Article ten of the Constitution, as amended by final ratification of the Thirteenth Legislature, reads as follows:

“The Legislature of the State of Texas shall not hereafter grant lands, except for purposes of internal improvements, to any person or persons, nor shall any certificate for land be sold, at the Land Office, except to actual settlers upon the same, and in lots not exceeding one hundred and sixty acres. *Provided*, that the Legislature shall not grant out of the public domain more than twenty sections of land for each mile of completed work, in aid of the construction of which, land may be granted; and *provided further*, that nothing in the foregoing provision shall affect any rights granted or secured by laws passed prior to the final adoption of this amendment.”

It seems to me that this bill is in direct contravention of this clause of the Constitution in that it proposes to grant lands to persons, said grant not being for purposes of internal improvement. It further contravenes the spirit, if not the letter, of the amendment to the Constitution, adopted finally by this present Legislature, which forbids special legislation.

The claims of those who are beneficiaries under this bill are meritorious and appeal as strongly to the sympathies of the Executive as to those of your Honorable body and if not restrained by convictions of duty would be responded to with alacrity, but the Constitution is the supreme law, and when it speaks must be obeyed.

Very respectfully,

RICHARD COKE.

²⁴*House Journal*, 595-96.